

August 29<sup>th</sup>, 2012

To whom it may concern,

This letter is written on behalf of the residents of the Avila Cove Condominium Owners Association. Our association would like to express our deep concern over the potential of utilizing the unit/and or units adjacent to our property as resort rentals. Avila Cove COA has a specific policy that forbids short term rental of any property in the complex. We have this policy because we recognize the shortage of parking for all units located on San Luis Parkway and San Luis Street. Additionally, we make every effort to maintain a peaceful living community that respects the rights of all Avila residents. We believe adding additional rental units will compromise this effort and complicate the already dense parking issues associated with San Luis Parkway and San Luis Street.

Avila Beach has an adequate supply of rental properties located in town and adding additional rentals will not serve to improve the Avila Community. We have a finite amount of city resources to police and manage community needs, so we respectfully request that you keep those resources focused on our current residents and prevent any new unit(s) from being utilized as a resort rental property.

Respectfully,

Avila Cove Condominium Association

August 30, 2012

Dear Cody Scheel and the San Luis Planning and Building Department:

We are writing in response to the letter from the Avila Cove Condo Association. While we are NOT part of Avila Cove Condo Association, we are NOT bound to their rules and regulations. We do understand their concerns, and believe that it will not be an issue for our house. Our house provides 4 car parking spots, two inside the garage and 2 outside. For one family to stay at the house, this will provide more than adequate space.

During the summer months, visitors park their cars on San Luis Parkway up all the way on Avila Beach Dr to walk into town. This is clearly already happening with or without summer homes being rented. In a recent article from Mary Richert Foppiano (executive director of the Avila Beach Civic Association) she states there isn't enough rental homes in a town that only houses 350 residents, and they welcome additional tourist and vacation rental in order to accommodate the needs of Avila Beach as a resort town. We experienced that first hand as we have often had problems finding good home rentals (there are only 20-30 that is publically known) before purchasing our home. I believe that this will serve the community of Avila Beach very well.

While we understand their concern for peaceful living, we do not want to disrupt that balance as well. We love Avila Beach, as we got engaged on that beach and my husband has been coming there since his college years. This community has become our home. We would just like the opportunity to share it with family and friends and therefore going through the formal process of getting the permit.

Sincerely Yours,

The Grahams



**Vacational Rental For 194 San Luis Parkway Avila Beach**  
**Penni Tidwell** to: cscheel, annemb, Pete Kelley

09/10/2012 10:20 AM

From: Penni Tidwell <pennitidwell@live.com>

To: <cscheel@co.slo.ca.us>, <annemb@sbcglobal.net>, Pete Kelley <pedrokelley@gmail.com>

**To Whom it May Concer:**

We are writing this letter in regards to the proposed vaction rental request of 194 San Luis Parkway Avila Beach. As owners of 198 San Luis Parkway Avila Beach we have conerns with this being approved beacuse of parking, nuisances, noise, and property value loss.

In regards to the major concern being parking: We ourselves had 194 San Luis Parkway in escrow but because of the difficulty in parking we decided to buy the top unit. Even though these are deemed as two car garages it is impossible to park two vehicles in the garges because of the entrance sharing the common space with the two 9X18 Ft. "Guest Parking". When there are cars in the guest parking spots it makes it impossible to enter gargage straight, therefore you must enter at a 90 degree angle and park at a angle preventing another car to enter garage. Any person(s) renting this unit will find it much easier to violate the rules and park in the guest parking, in front of garage or in front of said unit therefore preventing access to others along with being a Safety and Fire Hazard issue.

The second concern is Nuisances: As stated in the CC&Rs 2.3 Nothing shall be done on any parcel or withing the reciprocal easement area that may be of may become an annoyance or nuisance to the residents of any Parcel or that in any way interferes with the quiet enjoyment of the other occupants of the property of use of the reciprocal easement area. We believe that we along with other residence of the property will having to constently "Police" said vacation renters on how and where to park. CC&Rs also state in Restrictions 2.1 Land use states all parcels shall be used for residential purposes only. Once this property is approved for Vacation Rental it then becomes commercial which violates the CC&Rs.

Third concern is the noise that it will create having Vacation renters in such a small space. All vehicles must pass by first two units using a very narrow and steep driveway therefore causeing a negative impact in the privacy and secuirty of our residence.

Lastly we also feel that having a Vacation Rental within our complex will cause a decrease in our property value. Avila Beach already has plenty of Vacation Rentals that should be utilized before more are added.

We would request that Mary Matakovich read this letter tonight Sept. 10th 2012 at meeting on our behalf since we will not be able to attend.

Please feel free to contact us at 209.529.9922 or by email.

We hope that you will take all things considered in this matter,

Sincerely,

Greg and Penni Tidwell



**FW: Avila court**  
Penni Tidwell to: cscheel, annemb, Pete Kelley

09/10/2012 03:45 PM

From: Penni Tidwell <pennitidwell@live.com>  
To: <cscheel@co.slo.ca.us>, <annemb@sbcglobal.net>, Pete Kelley <pedrokelly@gmail.com>

To Whom it May Concern:

Please see attached email from Craig Smith who was the Architect of the 194 San Luis Parkway Avila Beach. These are his concerns in regards to the said property requesting to become a Vacation Rental.

Regards,

Greg and Penni Tidwell

Owners of 198 San Luis Parkway Avila Beach

From: pennitidwell@live.com  
To: pennitidwell@live.com  
Subject: FW: Avila court  
Date: Mon, 10 Sep 2012 15:39:51 -0700

Please forward

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Subject: Fwd: Avila court  
From: GTidwell@tidwellenterprises.com  
Date: Mon, 10 Sep 2012 12:20:08 -0700  
To: pennitidwell@live.com

Sent from my iPhone

Greg,

I looked into the situation regarding the rental of the unit and there are a couple of things you can do. One is the fact that the existing use permit was not set up for renting a unit out. This is a PUD, not a stand-alone SFR, so there are more "teeth" in the existing conditions of approval. If there is no provision for this, it will have to be applied for. The biggest impact is the parking, or potential lack of it for renting. The parking calc was for occupancy, not renting, therefore this will have to be dealt when they apply for a MUP to rent out the unit.

CRSA Architecture

Craig R. Smith, AIA, CEO/Principal Architect

890 Monterey Street, Suite A

San Luis Obispo, CA 93401

Phone: 1 (805) 544-3380 x 202

Fax: 1 (805) 544-8625

Email: crsa@craigsmithaia.com

Web: www.craigsmithaia.com

## AVILA VALLEY ADVISORY COUNCIL

San Luis Obispo County, California  
P.O. Box 65, Avila Beach, CA 93424  
[www.AvilaValley.org](http://www.AvilaValley.org)

Tuesday, September 11, 2012

Cody Scheel, Planner  
[cscheel@co.slo.ca.us](mailto:cscheel@co.slo.ca.us)

Hello Cody:

At last night's meeting of AVAC, the Minor Use Permit for a Vacation Rental at 194 Parkway was discussed.

After lengthy discussion and input from nearby neighbors (Avila Cove Condominium Association, the Tidwells who live on the property and Mary Matakovich whose home is next door west of this property, AVAC voted unanimously to: **recommend to Planning that the MUP be DENIED on the basis of limited and difficult parking, the potential for noise and the restriction 2.1 Land Use in the 3-house CC&Rs.**

These parties will be informed of the Hearing on October 5, 2012 if they wish to attend.

Thank you for your continuing attempt to protect Avila's current residents.

Sincerely,

Anne M. Brown, Chair

Sept 12, 2012

To the San Luis Building and Planning Committee;

Thank you for taking the time to review this file and help us navigate this process.

We are writing this letter in response to the neighborhood concerns. In regards to the parking situation, the requirement states a property should have enough parking spaces to accommodate the people allowed. Our home is a 1590 square feet with three bedrooms, allowing for two people per bedroom. A two car garage is ample space required for six people. The building is suited for two regular sized vehicles easily as shown in the building plans we submitted. The two extra spaces outside are a bonus for two other cars, welcomed to anyone within the three homes. I understand that there may be some concerns that the tenets will "violate" unwritten rules of parking but we don't foresee that being a problem as we will only be renting to one family at a time and will make sure they understand they will only be parking in our garage or allotted spaces.

We did review the CCR's prior to purchasing our home with the real estate agent that listed the three homes. They are standard, and we are within our rights to use this home as a part time vacation rental as these properties are free standing homes with no association or HOA only a driveway easement. We will attach the CC&R's upon request.

This proposed vacation rental is a single family rental, we as owners would want the renters to respect our beautiful home as we would. While we understand the neighbors concern, the impact would be the same or less, as if we were there. We have a zero tolerance policy and anyone that does not respect this, will be asked to leave immediately. There will be no need for "policing." This community is mixed with senior homes, families and partying college students less than 200 ft away. It welcomes beach goers everyday that park on San Luis Parkway and around the streets. These are the daily exposures we have as owners in this beach community.

We hope this addresses any concerns of the neighboring residents and eases them knowing we are extremely concerned with maintaining a peaceful living situation and greatly respect the privacy of our fellow homes owners.

Sincerely,

The Grahams

Sept 27, 2012

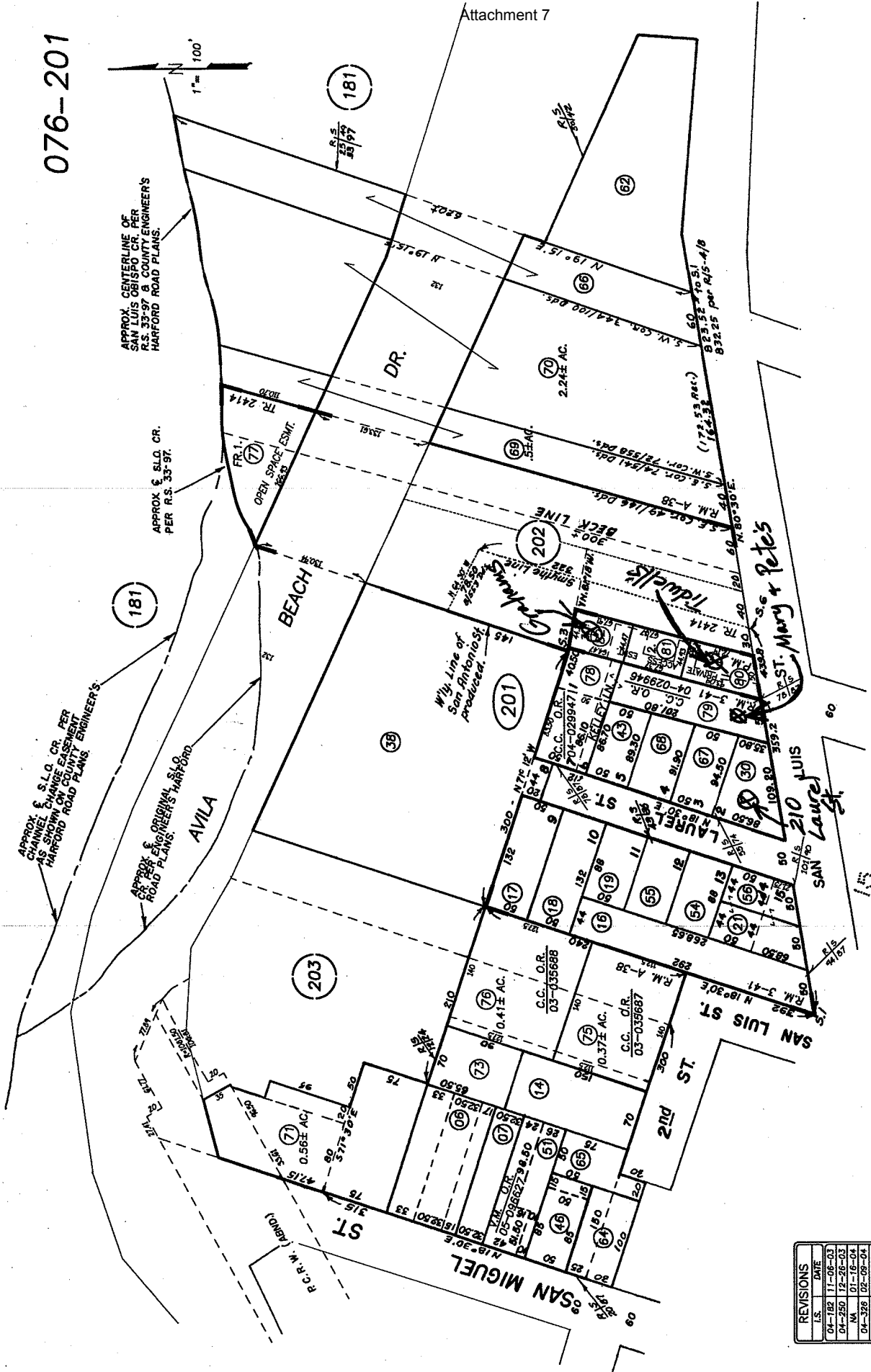
Dear San Luis Building and Planning Committee,

We would also like to attach the parcel plan so it can be presented as an exhibit. Please take note that our house is around 225 ft from the Tidwell's, and around 250 ft from the Mary and Pete's house. However, only 150 ft. away from the Tidwell's home and less than 50 ft away from Mary's house, there is an apartment building (210 Laurel St.) that houses numerous college students. They often have parties no matter what day it is, with loud music, numerous guests parking all over the neighborhood. We would assume that since this property is closer in proximity, and more numerous in the population, it would imply a greater impact on noise, and parking than our single family home would.

We appreciate your time and consideration. Thank you very much.

Sincerely,

The Grahams



AVILA BEACH  
ASSESSOR'S MAP, COUNTY OF  
SAN LUIS OBISPO, CA.  
BOOK 076 PAGE 201

TRACT NO. 2414, R.M. Bk. 22, Pg. 67-70.  
JUNIOR ADDITION TO THE TOWN OF AVILA, R.M. Bk. 3, Pg. 41.  
PORTION OF RANCHO SAN MIGUELITO LOT 45, R.M. Bk. A, Pg. 38.

REVISIONS	
I.S.	DATE
04-182	11-06-03
04-250	12-26-03
NA	01-16-04
04-326	02-09-04
05-074	07-15-04
NA	04-20-06
11-050	09-15-10

LZ  
02-29-00





September 29, 2012

Board of Supervisors  
County of San Luis Obispo  
Coastal Zone Land Used Hearing Panel

Re: Minor Use Permit Application – 194 San Luis St., Avila Beach, CA.

To Whom It May Concern:

Regarding the application for the minor use permit to allow the property at 194 San Luis St. Avila Beach to be used for residential vacation rental property, I see no apparent inconsistencies between the applications intended use and those allowed under title 23 of the San Luis Obispo County Code Section 23.08.165

The applicant intends to employ local professional property management to verify that vacation occupants abide by the ordinances in place and to properly screen prospective renters in such a way as to minimize any potential effects to surrounding owners as a result of those allowed tenancies. There are several remedies available should complaints arise due to violations to these standards.

According to the Declaration of Covenants, Conditions & Restrictions for parcel map CO 05-0139 governing the above referenced property page one third paragraph states "the property has no common area". Each of the properties 194, 196 and 198 San Luis Street, Avila Beach, California have their own independent and separate parcels. The driveway area is an easement. Vacation occupants will be required to park in the garage located at 194 San Luis Street and thus would not create any interference with any other person's rights to the easement area.

The proposed use of the real property located at 194 San Luis Street, Avila Beach for vacation rental purposes does not appear to violate any of the CC&R's governing the property. Those same CC&R's also contend that no adjacent owner can interfere with the rights of other owners for their own property or the reciprocal easement area. Weekly or monthly tenancies in and of themselves do not constitute an annoyance or nuisance and I fail to see how they interfere with the quiet enjoyment of the owners of nearby adjacent properties. Avila Beach has a definite shortage of viable vacation rental units. In a time when attracting tourism helps with generation of income and tax revenues and in the absence of any overwhelming data to support contesting the applicant I urge this panel to vote in favor of granting the Conditional Use permit.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Diane G. Hansen'.

Diane G. Hansen  
Keller Williams Central Coast Realty



**Brokers**

Lic# 00813857  
Lic# 00598758

**Gordon and Diane Hansen**

308 Jeffrey Street • San Luis Obispo, CA 93405 • 805.541.4423 • slotopteam@aol.com

[www.gordonanddiane.com](http://www.gordonanddiane.com)

Each Keller Williams Central Coast Office is Independently Owned and Operated



**194 San Luis Permit Hearing**  
Drew Graham to: CODY SCHEEL  
Cc: Quynh Quach

10/01/2012 08:53 AM

From: Drew Graham <drew\_email@yahoo.com>  
To: CODY SCHEEL <cscheel@co.slo.ca.us>  
Cc: Quynh Quach <quynhquach707@hotmail.com>

Cody-

Couple of quick things about the information you are going to present as well what is in the packet. If you could change the home type from a multi residential home to a single family home in a "PUD" with only one common easement. Also this should be considered a private home not a commercial home to match what is in the CC&R's and the letter I forwarded to you from the real estate agent. Let me know if there is any concerns with these few minor changes. I have attached the first page of the CC&R's and a site map. Thank you again for helping us through this process look forward to meeting you in person on Friday.

All the best,

Drew

Drew Graham  
805.704.7000

**RECORDING REQUESTED BY:**  
**FIRST AMERICAN TITLE COMPANY**

**3457041-LF**

**AND WHEN RECORDED, RETURN TO:**

Estate Financial, Inc.  
 Mel McColloch  
 1540 Marsh Street, Suite 230  
 San Luis Obispo, CA 93401

**JULIE RODEWALD**  
 San Luis Obispo County – Clerk/Recorder

Recorded at the request of  
 First American Title Company

IF  
 5/27/2010  
 8:11 AM

DOC#: **2010024564**



Titles: 1 Pages: 13

Fees	50.00
Taxes	0.00
Others	0.00
PAID	\$50.00

APN: 076-201-024

The Property consists of three separate Parcels: Parcel 1, Parcel 2 and Parcel 3, as identified on Parcel Map, which together constitute a three-unit planned development of the Property (the "Project").

The County of San Luis Obispo approved the Project under Title 23 of its Coastal Zone Land Use Ordinance at Section 23.22.080, which provides for approval of a planned development which does not otherwise meet minimum parcel size requirements, provided common owned or maintained portions of the subdivision are subject to covenants, conditions and restrictions for the management of commonly used and maintained property. The Property has no common area, but does have Reciprocal Easement Area, subject to maintenance obligations an Association consisting of each Parcel Owner.

Declarant hereby declares that the Property and each Parcel are and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, sold, improved and occupied subject to the declarations, easements, covenants, conditions, servitudes, and charges that are contained in the provisions of the Declaration as well as any amendments thereto, all of which are declared and agreed to be imposed as equitable servitudes in furtherance of a plan of development established by Declarant as reflected in Parcel Map CO 05-0139 and all of which are declared and agreed to be for the purpose of enhancing, maintaining and protecting the value and attractiveness of the Property for the benefit of its owners.

All of such limitations, restrictions, easements, reservations, covenants, conditions, servitudes, liens and charges shall run with the land, shall be binding on and inure to the benefit of all of the parties having or acquiring any right, title or interests in the Property or any Parcel, are for the benefit of the Property and each Parcel, and shall be binding on and inure to the benefit of the successors in interest of all or any Owner of the Property or any Parcel.

1. **Definitions.** In addition to the definitions provided in the Recitals above, the following definitions shall apply to this Declaration.



**AVILA COVE CONDOMINIUMS HOMEOWNERS ASSOCIATION**

**3563 Empleo St., Ste. B, San Luis Obispo CA 93401**  
**(805) 544 - 9093 (Fax) 544 - 6215**

**PLANNING DEPARTMENT HEARINGS**

October 4, 2012

AGENDA ITEM: 4DATE: 10/5/12**DO NOT REMOVE FROM FILE**

**Cody Scheel, Project Manager**  
**Planning and Building Department**  
**County of San Luis Obispo**  
**976 Osos Street, Room 300**  
**San Luis Obispo, CA 93408**

**RE: Andrew Graham Minor Use Permit/Coastal Development Permit****Dear Mr. Scheel:**

The Avila Cove Condominiums Homeowners Association (Association) recently received notification regarding the proposal to allow the residence located at 194 San Luis Street Parkway to be used as a residential vacation rental. On October 3<sup>rd</sup>, the Association's Board of Directors voted to oppose this permit request for the following reasons:

1. **Residential Neighborhood.** The residence located at 194 San Luis Parkway is located in an area of Avila Beach which is used exclusively for residential use, either as primary residences, second homes or long term tenants. There is no other area of Avila where this situation exists. As one moves towards the beach, the mix between vacation rentals and residences becomes greater. These areas, which are closer to the beach and the village, are much more suited to vacation rentals. The area facing San Luis Creek is quieter and much more suited for strictly residential use. It is for that reason that the Avila Cove Condominiums' CC & R's do not allow for rentals of less than 30 days.
2. **Noise.** The requirement that rental of the residence cannot exceed one individual tenancy within 7 days will allow four different tenants in any given month and during the summer, it is likely that there would, in fact, be a different tenant in the unit every weekend. It is entirely possible that while one tenant will be quiet and respectful of the residential character of the neighborhood, it is equally likely that the next tenant might be rowdy and disrespectful of the neighborhood.

Of the 17 units in the Avila Cove Condominiums, which are located immediately adjacent to 194 San Luis Parkway, roughly two-thirds of them are either owner-occupied or tenants, while the remaining one-third use their units as second homes. In either case, it is fair to say that the Avila Cove owners purchased units in this area of Avila (as opposed to areas closer to the beach) due to its quiet, residential character. One bad vacation tenant can ruin the weekend for both full time and part time residents.

Cody Scheel, Project Manager

October 4, 2012

Page Two

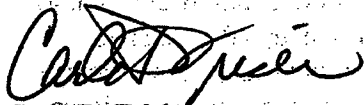
While the unit's owners are required to designate a local property manager that is available 24 hours a day for complaints, by the time a noisy tenant has been reprimanded, the adjacent residents have already been disturbed. Such disruptions are more than likely to occur on weekends when residents are seeking a respite from a busy work week. Finally, if the property manager cannot be reached, the only recourse available to residents is to contact the County Sheriff, thus shifting this burden to the County's already strained resources.

3. **Parking.** This particular unit is the last one in the driveway leading to it from San Luis Street Parkway. As such, it would not be difficult to park a number of cars at this unit since its location will allow cars to be parked "in the garage, driveway or otherwise out of the roadway." This language would allow for a significant number of cars coming in and out of the driveway, thus disturbing the residences on either side of that small lane.
4. **Maximum Number of Occupants.** This restriction, which will allow for a maximum of 6 persons staying in the unit is virtually unenforceable because it will be difficult to determine which persons are staying in the unit and which are "visiting". Even the owner may not be able to enforce this provision if the renter has not properly disclosed the accurate number of people that will be staying in the unit.
5. **Cumulative Impacts.** If this permit is approved, it would appear that there is nothing to prevent other owners in the area from requesting a similar vacation rental status. Should additional permits for vacation rentals be approved, the character of the only exclusively residential area in Avila Beach would be negatively affected. Such a change would also result in an increase in value for those units that can be used as vacation rentals and a decrease in value for those that cannot be similarly used. It is far more equitable that all units in this area remain for residential use only.

The Avila Cove Condominiums Homeowners Association, therefore, believes that findings D and E on Page 5 of the staff report cannot definitively be made because there is no way to guarantee that "the conduct of the use will not be detrimental to the.....persons residing or working in the neighborhood of the use" and/or that "the vacation rental use will not conflict with the surrounding lands and uses". Furthermore, the Association believes that the condominium owners within Avila Cove Condominiums will be negatively affected by the issuance of this permit and is, therefore, requesting that this Minor Use Permit/Coastal Development Permit be denied.

Thank you for your opportunity to comment on this permit request.

Sincerely,



Carla D. Frisk  
President

cc: County Supervisor Adam Hill